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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,792	06/30/2000	Arjun Rajagopalan	020431.0578	2259

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,792

Applicant(s)

RAJAGOPALAN, ARJUN

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15 and 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is in reference to response received by the office on 31 January 2003 to the office action mailed on 29 November 2002. Cancellation of claims 7 and 16 are acknowledged. Ammenments to claims 1 – 4, 8, 10 – 13, 17 and 19 are acknowledged and considered. Additions of claims 20 – 29 are acknowledged and considered. There are 27 claims, claims 1 – 6, 8 – 15 and 17 – 29 are acknowledged and responded.

Response to Arguments

In response to applicant's argument that HomeGain does not receive acceptance of bid from a the customer, however, it is a business choice on how a business elects to close a deal. HomeGain elected customers contact the agent and discuss further to help them make decision on which agent is qualified to sell their home. Receiving the lowest bid may not be of as great an importance to a homeowner, as compared to the qualification of the agent. A homeowner may want to interview few agents and to determine who is the best candidate to sell the home. HomeGain, discloses that it gets compensation from agents. Therefore, HomeGain has means and method it has to determine when a customer completed a deal using HomeGain's system to get compensated for providing the lead. Also, selecting a bid through the system is known to a person with ordinary skill in the art. For example, LendingTree discloses customers

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getting bids from the lenders, and, when a customer accepts a loan offer from a lender, LendingTree asks customers to send response through LendingTree.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6, 7 – 18 and 17 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warranty Direct hereinafter known as WarrantyDirect in view of Lending Tree, Inc. hereinafter known as Lendingtree and further in view of HomeGain.Com hereinafter known as HomeGain.

Regarding claims 1, 11, 20 and 29, WarrantyDirect discloses system and method to sell extended warranty to their customers. WarrantyDirect allows customers to request for quote by providing a form, which the customer uses to provide the information about the product they are requesting the price quote for warranty [page 5].

WarrantyDirect discloses provide plurality of warranty packages and information about the type of coverage in each package [page 17]. Customers get the warranty coverage based upon the coverage level they have selected.

WarrantyDirect discloses Warranty Direct's Automated Quote system for generating the quote based upon the information provided by the customer. Customer is given a choice to elect what level warranty coverage they would like to get the quotation for [page 5].

WarrantyDirect discloses that customers can purchase Warranty protection online, or, by contacting WarrantyDirect via telephone or fax.

WarrantyDirect does not disclose identification of particular item. However, it is known at the time of invention to a person with ordinary skill in the art that unique identifiers like Serial Numbers (S/N), Vehicle Identification Numbers (VIN) are used for identification purposes to ensure that the product brought in for service is the actual product for which the customer purchase the warranty service.

WarrantyDirect does not disclose communicating warranty package to one or more warranty service providers. However, WarrantyDirect discloses that at the time when repair services are required, repair service professional contacts WarrantyDirect for payment [page 11]. LendingTree disclose system and method which allows customers to provide information for the loan service they require, and, LendingTree discloses that after the customer has provided information, within two business days, customers can receive response from various lenders (mortgage service providers). In addition, HomeGain discloses system and method which allows user to request bids from plurality of service estate agents (service providers) to sell the property. After completing the basic sign-up process, customer is logged into the control center. Customer can create a seller profile. Completed seller profile (requirements) are sent to

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real estate agents (service providers) for their review [page 20]. Therefore, it would have been obvious to a person with ordinary skill in the art to communicate requirements to one or more providers to provide information to their service providers and receive the competitive bids for their users. Therefore, it is known at the time of invention to a person with ordinary skill in the art that quote for service can be provided by a single source (service provider owns the system), or, the quote can be provided by plurality of service providers (business owning the system acts as a middle man, e.g. LendingTree) to have the affiliates pay for keeping the system running, and, providing competing prices to customers.

Regarding claims 2, 12, and 22, WarrantyDirect discloses Warranty Direct's Automated Quote system for generating the quote based upon the information provided by the customer. Customer is given a choice to elect what level warranty coverage they would like to get the quotation for [page 5]. WarrantyDirect discloses provide plurality of warranty packages and information about the type of coverage in each package [page 17]. Customers get the warranty coverage based upon the coverage level they have selected.

Regarding claims 3 – 4, 13 – 17 and 23, WarrantyDirect discloses provide plurality of warranty packages and information about the type of coverage in each

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package [page 17]. Customers get the warranty coverage based upon the coverage level they have selected. WarrantyDirect discloses Warranty Direct's Automated Quote system for generating the quote based upon the information provided by the customer. It is obvious that WarrantyDirect stores information from customers to be able to provide the requested information.

Regarding claims 5 – 6, 15 and 25, WarrantyDirect discloses to be communicating warranty packages over the internet. It is obvious that a user will use a browser to access the information over the internet.

WarrantyDirect does not disclose communicating warranty package to one or more warranty service providers. However, WarrantyDirect discloses that at the time when repair services are required, repair service professional contacts WarrantyDirect for payment [page 11]. LendingTree disclose system and method which allows customers to provide information for the loan service they require, and, LendingTree discloses that after the customer has provided information, within two business days, customers can receive response from various lenders (mortgage service providers). In addition, HomeGain discloses system and method which allows user to request bids from plurality of service estate agents (service providers) to sell the property. After completing the basic sign-up process, customer is logged into the control center. Customer can create a seller profile. Completed seller profile (requirements) are sent to real estate agents (service providers) for their review [page 20]. Therefore, it would

have been obvious to a person with ordinary skill in the art to communicate requirements to one or more providers to provide information to their service providers and receive the competitive bids for their users. Therefore, it is known at the time of invention to a person with ordinary skill in the art that quote for service can be provided by a single source (service provider owns the system), or, the quote can be provided by plurality of service providers (business owning the system acts as a middle man, e.g. LendingTree) to have the affiliates pay for keeping the system running, and, providing competing prices to customers.

Regarding claims 8, 17 and 26, WarrantyDirect does not disclose identification of particular item. However, it is known at the time of invention to a person with ordinary skill in the art that unique identifiers like Serial Numbers (S/N), Vehicle Identification Numbers (VIN) are used for identification purposes to ensure that the product brought in for service is the actual product for which the customer purchase the warranty service. During the registration of a vehicle, the Motor Vehicle Authority at the jurisdiction requires the VIN to identify the vehicle for which the number plates (tags) are issued. Also, during a traffic violation, law enforcement officer checks the VIN of the vehicle to identify whether the tags on the vehicle belong to that vehicle. Therefore, it would have been obvious to a person with ordinary skill in the art to use VIN of the vehicle to identify the vehicle, its make, model, year of manufacture etc. to prevent the customer from filing a claim for a similar vehicle. For example, vehicle tag number as a means for

identification may not work because tag numbers can be transferred to another vehicle when a person replaces a car (done in the State of Maryland).

Regarding claims 9 – 10, 18 – 19 and 27 – 28, WarrantyDirect does not disclose generating bids, and communicating bids. However, LearningTree discloses that within two business days after the customer has provided the information, plurality of lender will respond – all competing for customers business [page 2]. In addition, HomeGain allows user to request bids from plurality of service estate agents (service providers) to sell customer's property. After completing the basic sign-up process, customer is logged into the control center. Customer can create a seller profile. Completed seller profile (requirements) are sent to real estate agents (service providers) for their review. Service Providers can view all the information available about available listings. Service Providers can 'Submit A Proposal' (bid) to the seller. When an agent responds to seller profile with a service proposal, the proposal is stored in Seller Control Center and the customer is notified immediately. Customers can review proposals. Customers can contact an agent by clicking of the envelope icon next to the proposal. It is a business choice on how a business elects to close a deal. HomeGain elected customers contact the agent and discuss further to help them make decision on which agent is qualified to sell their home [pages 20 – 27]. In addition, LendingTree discloses customers getting bids from the lenders, and, when a customer accepts a loan offer from a lender, LendingTree asks customers to send response through LendingTree. Therefore, it

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would have been obvious to a person with ordinary skill in the art to get bids from suppliers to save money for their customers by providing competitive bids from their service providers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Wallis et al. US Publication US/2001/0051884

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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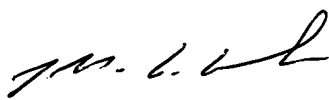
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Naresh Vig
April 16, 2003


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600